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COMMITTEE ON THE RIGHTS OF THE CHILD

Nineteenth session

SUMMARY RECORD OF THE 480th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 22 September 1998, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Ecuador (continued) (CRC/C/3/Add.44; HRI/CORE/1/Add.7; CRC/C/Q/ECU/1; written replies of the Government of Ecuador to the questions raised in the list of issues (in-session document with no symbol))

1. At the invitation of the Chairperson, the members of the delegation of Ecuador resumed their places at the Committee table.

2. The CHAIRPERSON invited the Ecuadorian delegation to reply to the questions put by members of the Committee at the previous meeting concerning the definition of the child and general principles (paragraphs 10-13 of the list of issues (CRC/C/Q/ECU/1)).

3. Mr. GALLEGOS CHIRIBOGA (Ecuador) said that his Government had put machinery in place to combat poverty and the new Constitution provided for measures to protect children in that regard. One aim was to ensure access to drinking water for all, and it was hoped that within five years 75 per cent of the urban population would be able to avail themselves of those services. Efforts were also being made to strengthen primary health services (disease prevention, immunization, maternal and child health care) and to educate families and involve them in the management of public health services. Basic education was also one of the targets set, with children receiving compulsory schooling for a period of 10 years (from ages 5 to 15). In addition, the educational system had been modernized and was endeavouring to provide concrete solutions to the problems that arose in practice. Particular attention was being paid in that context to working children, teenage pregnancies and child abuse.

4. At the juridical level, machinery had been instituted to ensure that rights were enforceable through district courts. Furthermore, at the provincial, local and community levels, improved consultation machinery was being established to find solutions to the problems that might occur within population groups or regions.

5. He recognized that the objectives set forth in the Convention concerning education had been attained only very partially in Ecuador, but it should be pointed out that the largely young Ecuadorian population was receptive to the measures being taken to sensitize it to values connected with respect for human rights and the rights of the child. In that regard, he stressed the crucial importance of education for young girls. Furthermore, distance learning (radio, television, etc.) was being developed and reaching out increasingly to indigenous people, and the process of decentralization was also helping to adapt education better to local situations.

6. For the benefit of Mrs. Sardenberg, he explained that the aim of the 20/20 initiative was to devote 20 per cent of the State budget to basic social services. Also, regarding the project under way in the city of Cuenca, in south-eastern Ecuador, he indicated that the city mayor had been given the task of coordinating the health and education sectors with non-governmental organizations (NGOs). An inter-agency committee furthermore allowed for

decentralized decision-making, which took better account of real situations and had a favourable impact on the management of the services. It was to be hoped that the project would also be applied in other towns.

7. He deplored the increasing cutbacks in public-sector budgets and said that his country had formally committed itself to not restricting the budget allocated for children, whatever difficulties might be encountered. There was a body entrusted with coordinating all policies in favour of children, namely the National Council on Children (CONAME), which had been confirmed in its functions by the new Constitution. In addition, the Children's Code enshrined the objectives set forth in the Convention on the Rights of the Child and an ad hoc committee had been set up with the assistance of UNICEF to implement the national plan for the protection of children. Furthermore, the concept of the best interests of the child was being taken into account in the legal reforms currently under way.

8. Replying to Mr. Rabah, he said that the ombudsman was an institution of Nordic origin that was not expressly provided for in the Ecuadorian Constitution. However, Ecuador did have a defensor del pueblo, represented by the Court of Constitutional Guarantees, a body to which any Ecuadorian could have recourse if he felt that his rights had been violated.

9. With regard to question 22, concerning disabled persons, he said that 13 per cent of the population, i.e. 1.5 million people, were disabled in Ecuador. Paragraphs 116 to 121 of the written replies described in detail the measures being taken to remedy that situation, in particular by the National Council on Disabilities (CONADIS) and by the National Institute for Children and the Family (INNFA).

10. With regard to measures taken or envisaged to prevent and combat discrimination against the most disadvantaged children, the members of the Committee might wish to refer to the table included in the written replies to question 12. It should be pointed out in that regard that the Ministry of Education had set up a Network for Gender Equality and various projects were being implemented to help teachers eliminate all sexist educational methods and practices. In addition, the National Council on Women (CONAMU), in collaboration with various children's institutions, was developing non-sexist teaching materials. Furthermore, the Constitution guaranteed children belonging to indigenous communities the right to quality education and to an inter-cultural bilingual educational system. The objectives regarding disabled children included reinforcing measures to prevent road accidents, enhancing disabled children's access to the educational system, creating information systems dealing with disabled children and making the rights of disabled children better known. In that regard, the rights of disabled persons were set forth in articles 50 and 53 of the new Constitution of 1998. Information on measures taken to protect the rights of children born out of wedlock was also contained in the above-mentioned table.

11. Regarding AIDS prevention, the members of the Committee could refer to the information given in the written replies to question 21. In particular, mention was made there of a plan being developed to prevent early pregnancies, of action by the National Council against AIDS (CONASIDA), a body that brought together representatives of various ministries, UNICEF, UNDP, NGOs and the

Network of Persons with AIDS, as well as of the National Programme against AIDS, a programme that had been in operation since 1982 but whose results were unfortunately limited because of budget cuts. Statistics had been compiled on the number of children with AIDS; thus, in 1998, there had been 15 reported cases among children aged 0 to 4; 3 cases among those aged 5 to 9; 5 cases among those aged 10 to 14; and 97 cases among those aged 15 to 19. The measures to combat AIDS were naturally accompanied by information, awareness-raising and prevention campaigns; by mid-October, for example, a sex education programme would be instituted throughout the school system.

12. As to the restructuring of the information system, he indicated that the "SI NIÑEZ" specialized system of indicators set up by the Technical Secretariat of the Social Front would make it possible to provide all useful information concerning the situation of children in Ecuador. It was difficult to assess how far civil society had as yet assimilated or espoused the values of human rights protection in general. However, it was obvious that awareness of those values had greatly increased. It also had to be noted that Ecuador, unlike many other countries, had not known any serious internal conflicts or persecution against ethnic groups, and it had not applied a policy of segregation or discrimination based on sex or race. There was no doubt that, since the entry into force of the Convention in 1990, the country's legal framework had already undergone a radical change, but the country could expect to see still greater changes taking place gradually over several generations as a result of education and public awareness-raising. The current changes were still hampered by the serious socio-economic difficulties that the country was experiencing. Nevertheless, Ecuador's policy-makers had the political will to make progress in that regard. Ecuador was also very present in the international bodies concerned with the defence of human rights; several Ecuadorian experts were members of United Nations committees and the first High Commissioner for Human Rights had been Ecuadorian.

13. Replying to a question about damages awarded to victims of human rights violations, he said that the State paid compensation to the victims, including when it was held liable by bodies such as the Human Rights Committee or the Inter-American Court of Human Rights. Generally, the State paid considerable sums by way of reparation for acts of murder, disappearances or discrimination. That obligation to make redress was provided for by law and the Government was determined to fight impunity, a phenomenon that was unfortunately widespread in Latin America.

14. With regard to child labour, he emphasized that Ecuador had, for its part, ratified a very large number of International Labour Organization (ILO) conventions. However, while Ecuador was prepared to respect all of its commitments in that area, it could not, as a developing country, agree to the ILO mechanisms applying protectionist measures that would be prejudicial to the development of the least developed countries. Ecuador's position on the matter was shared by many countries, and had in particular been affirmed in the declaration of the most recent conference of the non-aligned countries.

15. Concerning attitude change within society, mention should be made of the improvement of the status of women, which was an ongoing process closely associated with the governmental authorities' awareness-raising and information efforts in that field.

16. The CHAIRPERSON invited the members of the Committee to put their questions on items 14 to 23 of the list of issues relating to civil rights and freedoms, the family environment and alternative care, and basic health and welfare.

17. Ms. PALME said that, in her view, the Ecuadorian Government should be very vigilant concerning the risks of discrimination in the least advantaged regions of the country, and particular attention should be paid to problems relating to diseases, malnutrition and disability among children in the most remote rural areas. The Government should also make sure that all children were declared at birth, both to preserve their identity and to ensure that they were counted in the statistics. Having learnt that some pupils and students had difficulty in setting up associations, she would like to have more specific information on that question. Furthermore, she would like to know to whom children could turn to have their rights enforced, how questions of the institutionalization of children were resolved, whether there were enough social workers and to what extent corporal punishment was a problem.

18. Mrs. OUEDRAOGO, returning to the question of the recording of births, expressed concern about a law prohibiting the registration of unusual names, and feared that the law was contrary to the principles of protecting the child's name and preserving his identity. While welcoming the recommendations contained in paragraph 200 of the initial report, she suggested that the Ecuadorian authorities should add to those measures the decentralization of civil registry services or else the training of health officials for that exercise, particularly in the remotest rural areas and in indigenous settings. Lastly, she would like to know more about the status of children born out of wedlock, considering that Ecuadorian society was still apparently rather conservative in that regard.

19. Mrs. SARDENBERG requested more information about the situation of girls employed in domestic work in rural areas, as well as about the bilingual education dispensed to indigenous children. She would also like to have more information about the problem of abortion, since she had learnt that suicides among pregnant girls were not uncommon in Ecuador.

20. Mrs. MOKHUANE said she regretted that the report contained no statistics concerning sexual abuse of children, both within the family and in society in general, as the Committee could therefore not assess the extent of the problem. It would also seem that boys and girls falling victim to such abuse were not treated equally under the law and she would like to know whether steps had been taken to improve the protection of the child's rights at the legal level. She would also like to have information about the integration of disabled children in ordinary schools and to know whether special equipment had been provided in that connection. On the question of alcoholism, she asked whether measures were being taken to enforce the law prohibiting the sale of alcohol to persons under 18 years of age. Regarding the placement of children in institutions, she would like to know what alternative care was available for children separated from their families, and what was the State's policy on foster care. Under what circumstances was that solution used, how were the children monitored and by what means was State policy being

implemented? Lastly, regarding the exploitation of child labour, were there any supervisory mechanisms, particularly for adopted children and children placed in institutions?

21. Mrs. MBOI asked what measures were being taken in Ecuador to make people realize the importance of declaring births and to encourage NGOs and the community to contribute to the full realization of the rights of the child. She feared that acts of violence, including sexual abuse, against children might be perpetuated from one generation to the next and thus become a cultural trait that would then be all the more difficult to eliminate. She therefore urged the Ecuadorian Government to call for international cooperation to study that question and to take appropriate steps, including preventive measures, for example within the educational system, to address the problem. She would also like the Government to define its policy in that regard and to provide information about the preventive measures taken. She was particularly concerned, moreover, about the question of health and social protection, since the chronic malnutrition of children would have repercussions throughout their adult lives. What was the Government doing to remedy that situation? Also, what measures were being taken to reduce the high rate of adolescent pregnancies and had any special measures of protection been taken in favour of children born out of wedlock? Lastly, referring to question 32 on the list of issues, she asked what specific measures had been taken to combat the sale and abuse of drugs and to provide for physical and psychological rehabilitation. She would also like to have more information about the effectiveness of the method of community therapy mentioned earlier by the Ecuadorian delegation.

22. Mr. RABAH said that he would like additional information about the measures aimed at protecting children against the violence and pornography presented in the media, and also concerning disappearances and abandonment of children, the legislation, procedures and practices relating to adoption, as well as the private agencies dealing with adoption. He further requested fuller information about the measures of material and psychological assistance for child victims of abuse and neglect, and wished to know more about the situation of street children, which was not mentioned in the report, and about the status of refugee children both in the interior and in the border regions of the country.

23. Mr. KOLOSOV, referring to paragraph 67 of the report, questioned the reasons put forward to justify the fact that the definition of the child in Ecuador was not in conformity with the Convention. On the question of citizenship, he would like some clarification about the application of the law requiring parents to declare their children at birth. He would also like to know Ecuador's position on the age of consent for sexual intercourse.

24. Mrs. OUEDRAOGO inquired whether the new Constitution still required parents to sign a declaration in which they undertook to abandon their child definitively if they wanted the child to be adopted for economic reasons. In addition, she asked whether there were provisions for cases where adopted children no longer wished to remain with their foster families. Did such children have the possibility of recovering their former identity?

25. Ms. PALME, raising the question of illiteracy and its consequences, asked whether the Government of Ecuador had taken steps to deal with the high school drop-out rate, particularly in respect of children from disadvantaged backgrounds.

26. The CHAIRPERSON expressed regret that more account was not being taken of the problems of young girls and adolescents in Ecuador, particularly in the context of rape, early pregnancies, the prohibition of abortion and trafficking in children. The same applied to children born out of wedlock, whose family setting was unstable and where there was often only one parent. What assistance did the State provide for children deprived of a father for economic or other reasons? She would also like to know whether the Government was taking steps regarding damage to the environment and its effects on child health, such damage being particularly marked in the Amazon region.

The meeting was suspended at 4.50 p.m. and resumed at 5.15 p.m.

27. The CHAIRPERSON invited the Ecuadorian delegation to reply to the additional questions put by members of the Committee.

28. Mr. GALLEGOS CHIRIBOGA (Ecuador), replying to a question put by Mr. Kolosov, indicated that in view of the constitutional reforms adopted recently and with the entry into force of the new Constitution in August 1998, the information given in the initial report needed to be updated. Thus, under the new law on citizenship, all children born in Ecuadorian territory now automatically became Ecuadorian citizens as from birth. In addition, all citizens were automatically included in the civil registry and issued with a national identity card, which was requested during identity checks, when voting or when travelling to countries that did not require Ecuadorian citizens to be in possession of a passport or a visa. In that regard, intensive awareness-raising campaigns had been conducted to ensure that every child was recorded at the civil registry offices, even when births were declared late, as could happen especially in rural areas, and programmes had been implemented for that purpose with the help of UNICEF throughout Ecuadorian territory. Furthermore, children born abroad to Ecuadorian parents were included in the civil registry, just like children born in the national territory, and they enjoyed the same legal status. A problem did arise, however, with children whose parents were foreigners who had taken refuge in Ecuador and who did not wish their children to have Ecuadorian nationality, their intention being to return as soon as possible to their countries of origin. In that regard, administrative agreements had been concluded, in a spirit of good-neighbourliness, notably with Colombia and Peru.

29. As to the rules concerning the names which parents could give their children, Ecuadorian law was relatively flexible but nevertheless set some limits where the interests of the child and respect of his person in the future were concerned. However, all names given to children belonging to indigenous people were respected and accepted as part of the cultural norms.

30. Concerning the questions about possible ill-treatment and sexual abuse of children, his delegation had already described the efforts made by the Government to provide legal, social and psychological assistance to victims. In May 1998, moreover, the Government had created the Commission for the

Elimination of Maltreatment of Children. The Commission, which was part of the educational system and had the support of civil society, was charged with investigating all cases brought to its attention concerning maltreatment or sexual abuse of children. In addition, the national courts examined every case of ill-treatment brought before them, in accordance with the law prohibiting all violence, including violence against women and children in the family setting. Furthermore, public servants or members of national institutions found guilty of maltreating persons with whom they were in contact were liable to sanctions that could include suspension from their duties.

31. With regard to discrimination, he referred the members of the Committee to the written replies given to question 33. There was no deliberate policy of social discrimination on the part of the State, but Ecuador, like many other Latin American countries, was not immune to certain forms of "passive" discrimination between men and women. However, every effort was being made to raise public awareness and ensure that attitudes evolved in the direction of greater equality.

32. Replying to the questions asked about adoption, he indicated that the right to adoption was duly recognized and regulated by the Civil Code. The general principle was that a couple wishing to adopt a child had to prove they had the means to ensure the child's proper development. During the past year, 55 Ecuadorian children had been adopted abroad, in accordance with The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, to which Ecuador was a party. Intercountry adoption thus took place without difficulty. The problems that arose were rather at the national level, when children were adopted locally by Ecuadorian families who then tried to send them to Europe, for example, but the Government was endeavouring to fight that phenomenon by establishing all the necessary control measures. In addition, abandoned children, who used to be placed in orphanages or State institutions, were now more often adopted by Ecuadorian families with the consent of their biological parents. That was a comprehensive administrative process which took account of all the factors - psychological, social, medical and economic - that could contribute to the child's well-being.

33. As in most Latin American countries, the phenomenon of street children unfortunately existed in Ecuador's large cities. The authorities were well aware of the problem and had taken special measures to help those children and their families, in particular by providing them with educational opportunities. Some positive results had already been obtained, and those efforts had to be pursued.

34. With regard to abortion, the law had been changed so as to depenalize that practice in cases of incest or rape, but the legislature had not opted for total depenalization. He had no specific data on cases of suicide related to abortion, but it seemed to him that the number of such cases must nevertheless be very small.

35. Concerning trafficking in drugs or narcotics, it should be pointed out that Ecuador, unlike neighbouring countries, was not a producer of narcotics, although traffickers had unfortunately gradually gained a foothold in the

country. The Ecuadorian Government had insisted that responsibility for drug trafficking should be shared between the producing countries and the millions of consumers worldwide. The Government was also making every effort to eliminate drug trafficking, as well as to combat alcoholism and smoking.

36. Regarding the impact of oil production on the indigenous people of the Amazon, the Ecuadorian authorities did not, like those of the developed countries, have precise means of measuring pollution levels but, given the scale of the environmental impact of that phenomenon, measures had been taken to oblige the industrial enterprises responsible for pollution to clean up the environment, or otherwise face sanctions. The fact remained, however, that the life of a substantial part of Ecuadorian society had been transformed by the oil industry and the national economy had undergone profound changes since Ecuador had begun exporting oil to the developed countries.

37. The CHAIRPERSON said that the delegation of Ecuador would continue to reply to the additional questions of members of the Committee at a later meeting.

The meeting rose at 5.55 p.m.